
STATUTORY INSTRUMENTS

2000 No. 2326

The Immigration (European Economic Area) Regulations 2000

Part II

Scope of Regulations

General

9. Subject to regulations 10 and 11 (and to regulations 24(1), 25(1), 26(1) and 28) these Regulations apply solely to EEA nationals and their family members.

Dependants and members of the household of EEA nationals

10.—(1) If a person satisfies any of the conditions in paragraph (4), and if in all the circumstances it appears to the decision-maker appropriate to do so, the decision-maker may issue to that person an EEA family permit, a residence permit or a residence document (as the case may be).

(2) Where a permit or document has been issued under paragraph (1), these Regulations apply to the holder of the permit or document as if he were the family member of an EEA national and the permit or document had been issued to him under regulation 13 or 15.

(3) Without prejudice to regulation 22, a decision-maker may revoke (or refuse to renew) a permit or document issued under paragraph (1) if he decides that the holder no longer satisfies any of the conditions in paragraph (4).

(4) The conditions are that the person—

- (a) is dependent on the EEA national or his spouse;
- (b) is living as part of the EEA national's household outside the United Kingdom; or
- (c) was living as part of the EEA national's household before the EEA national came to the United Kingdom.

(5) However, for those purposes "EEA national" does not include—

- (a) an EEA national who is in the United Kingdom as a self-sufficient person, a retired person or a student;
- (b) an EEA national who, when he is in the United Kingdom, will be a person referred to in sub-paragraph (a).

Family members of United Kingdom nationals

11.—(1) If the conditions in paragraph (2) are satisfied, these Regulations apply to a person who is the family member of a United Kingdom national returning to the United Kingdom as if that person were the family member of an EEA national.

(2) The conditions are that—

- (a) after leaving the United Kingdom, the United Kingdom national resided in an EEA State and—

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- (i) was employed there (other than on a transient or casual basis); or
- (ii) established himself there as a self-employed person;
- (b) the United Kingdom national did not leave the United Kingdom in order to enable his family member to acquire rights under these Regulations and thereby to evade the application of United Kingdom immigration law;
- (c) on his return to the United Kingdom, the United Kingdom national would, if he were an EEA national, be a qualified person; and
- (d) if the family member of the United Kingdom national is his spouse, the marriage took place, and the parties lived together in an EEA State, before the United Kingdom national returned to the United Kingdom.